



# City of NORFOLK

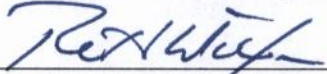
C: Dir., Department of City Planning

To the Honorable Council  
City of Norfolk, Virginia

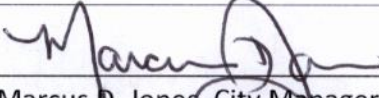
October 13, 2015

From: George M. Homewood, AICP, CFM, Planning Director

Subject: **Special exception for the operation of an entertainment establishment with alcoholic beverages at 5802 E Virginia Beach Boulevard, Suite 140– LeiAunte's**

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 4/7

Approved:   
Marcus D. Jones, City Manager

Item Number: **R-5**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Special exception – entertainment establishment with alcoholic beverages
- IV. **Applicant:** Stephanie Wadnola
- V. **Description:**
  - The applicant was previously granted a special exception for an entertainment establishment with alcoholic beverages.
  - Granting this adds two additional floor plans, increases the permitted total capacity to 410 people.
  - LeiAunte's will retain the same hours of operation and entertainment options.

	Current	Proposed Floor Plan 1	Proposed Floor Plan 2
Hours of Operation	8:00 a.m. until 2:00 a.m., seven days a week	Same	Same
Hours for Entertainment and the Sale of Alcoholic Beverages	11:00 a.m. until 2:00 a.m., seven days a week	Same	Same
Capacity	196 seats indoors 0 seats outdoors 240 total capacity	128 seats indoors 0 seats outdoors 240 total capacity	56 seats indoors 0 seats outdoors 410 total capacity

Entertainment Options	<ul style="list-style-type: none"> <li>• 5 Member Live band</li> <li>• DJ</li> <li>• Fashion Shows</li> <li>• Performance Dance</li> <li>• Karaoke</li> <li>• Comedian</li> <li>• Poetry Reading</li> <li>• Cultural Dance</li> </ul>	Same	Same
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Staff point of contact: Chris Blough at 664-6771, [christopher.blough@norfolk.gov](mailto:christopher.blough@norfolk.gov)

Attachments:

- Staff Report to CPC dated September 24, 2015 with attachments
- Proponents and Opponents
- Ordinances





# City of NORFOLK

## Planning Commission Public Hearing: September 24, 2015

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Chris Blough *cb*

*JS*

Staff Report	Item No. 9	
Address	5802 East Virginia Beach Boulevard, Suite 140	
Applicant	LeiAunte's	
Request	Special Exception	Entertainment establishment with alcoholic beverages
Property Owner	The American Heart Association, Inc.	
Site Characteristics	Building Area/Site Area	161,627/5,164 sq. ft.
	Zoning	C-3 (Retail Center): JANAF Localized Alternative Sign Overlay
	Neighborhood	JANAF
	Character District	Suburban
Surrounding Area	North	C-3 : Northern Tool and Equipment, Burger King, Verizon
	East	C-3: OfficeMax, Petco Animal Supplies, T.J. Maxx
	South	C-3: BJ's Wholesale Club, Logan's Roadhouse
	West	C-2 (Corridor Commercial): Lowe's Home Improvement, Sonic Drive-In



**A. Summary of Request**

- The applicant was previously granted a special exception for an entertainment establishment with alcoholic beverages.
- Granting this adds two additional floor plans, increases the permitted total capacity to 410 people.
- LeiAunte's will retain the same hours of operation and entertainment options.

**B. Plan Consistency**

The proposed special exception is consistent with *plaNorfolk2030*, which designates this site as commercial.

**C. Zoning Analysis****i. General**

The site is located in the C-3 district and JANAF Localized Alternative Sign Overlay, which permit the proposed use by special exception.

	Current	Proposed Floor Plan 1	Proposed Floor Plan 2
Hours of Operation	8:00 a.m. until 2:00 a.m., seven days a week	Same	Same
Hours for Entertainment and the Sale of Alcoholic Beverages	11:00 a.m. until 2:00 a.m., seven days a week	Same	Same
Capacity	196 seats indoors 0 seats outdoors 240 total capacity	128 seats indoors 0 seats outdoors 240 total capacity	56 seats indoors 0 seats outdoors 410 total capacity
Entertainment Options	<ul style="list-style-type: none"><li>• 5 Member Live band</li><li>• DJ</li><li>• Fashion Shows</li><li>• Performance Dance</li><li>• Karaoke</li><li>• Comedian</li><li>• Poetry Reading</li><li>• Cultural Dance</li></ul>	Same	Same



Special exception history:

City Council Approval	Applicant	Request
2014	LeiAunte's	Entertainment establishment with alcoholic beverages
Pending	LeiAunte's	Entertainment establishment with alcoholic beverages

ii. Parking

- The site is located in the Suburban Character District, which requires one parking space per 150 square feet of enclosed building area for entertainment uses.
- The 5,164 square-foot proposed space must provide 34 parking spaces.
- The site complies with current parking requirements.

iii. Flood Zone

The property is located in the X Flood Zone, which is a low risk flood zone.

**D. Transportation Impacts**

Institute of Transportation Engineers figures estimate that this restaurant use will generate 164 fewer vehicle trips per day by decreasing total indoor seating at this location by 34 seats below currently approved levels.

**E. Impact on the Environment**

There are no opportunities to provide additional landscaping or a reduction in impervious surfaces.

**F. Impact on Surrounding Area/Site**

- By requiring this use to conform to the conditions listed below, the proposed entertainment establishment should not have a negative effect on the surrounding neighborhood.
- There were no calls for service made at this location over the past year.

**G. Payment of Taxes**

The owner of the property is current on all real estate taxes.

**H. Civic League**

The application was sent to the Lake Taylor Civic League and Glenrock Civic League on August 25.

**I. Communication Outreach/Notification**

- Legal notice was posted on the property on August 18.
- Letters were mailed to all property owners within 300 feet of the property on September 10.
- Legal notification was placed in *The Virginian-Pilot* on September 10 and September 17.

**J. Recommendation**

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation for the establishment shall be from 8:00 a.m. until 2:00 a.m., seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages, and for entertainment shall be from 11:00 a.m. until 2:00 a.m., seven days a week.
- (c) The seating for the establishment shall not exceed 128 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 410 people. The use authorized by this special exception shall not commence until a certificate of occupancy reflecting these limits has been issued by the Department of Planning.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (e) Entertainment shall only be provided indoors and shall be limited to live bands having no more than 5 members, DJ, Fashion Shows, Performance Dance, Karaoke, Comedian, Poetry Reading, and Cultural Dance, defined for the purposes of this ordinance alone as a form of dance unique in style and appearance to a specific cultural group. Examples include, but are not limited to, belly dance, flamenco dance, hula, and geisha dance. No form of dance which does not meet all of the following characteristics shall be considered cultural dance for purposes of this ordinance:



- i. Cultural dancers shall not perform nude or semi-nude, but shall perform in a state of dress more modest than semi-nude, as those terms are defined herein.
  - ii. For the purposes of this ordinance, the term “nude” means to be undressed completely, and the term “semi-nude” means to be in any state of dress in which opaque clothing covers no more than the genitals, pubic region, buttocks, areola and nipple of the breast, as well as portions of the body covered by supporting straps or devices. Examples of “semi-nude” dress include but are not limited to a state of dress consisting of a bikini or equivalent clothing.
  - iii. Cultural dancers shall not physically touch or be physically touched by spectators while performing.
- (f) In addition to the above, the following restrictions shall apply to all cultural dance performances:
  - i. Cultural dancers shall not use the following items and accessories when performing, for safety reasons: swords, weapons of any kind, lit candles, or lit torches. Notwithstanding this provision, at the discretion of the grantee of this special exception, dancers may use prop swords and prop weapons. For purposes of this ordinance, the adjective “prop” means a fake sword or weapon, similar to those used by actors on the stage, not designed for or capable of causing injury. Such “prop” swords or weapons shall be either made of wood, or if made of metal, shall be blunt with no cutting edge.
  - ii. At the discretion of the grantee of this special exception, customers may tip dancers at the conclusion of a performance. Spectators shall not physically touch a dancer when tipping.
- (g) The provisions of this ordinance concerning cultural dance are not intended, nor shall they be applied, to impose any limitation or restriction on the content of cultural dance performances at the subject property. Cultural dance performances, should they degenerate to the point of involving obscenity or nude or semi-nude dance performances, shall be subject to all the usual prohibitions upon such performances in bars and restaurants selling alcohol under the laws and regulations of the Commonwealth of Virginia and the ordinances and regulations of the City of Norfolk. These restrictions include but are not limited to such prohibitions upon obscene performances as are found in Chapter 28 of the Code of the City of Norfolk (1979), as amended, or Chapter 8, Article

5 of Title 18.2 of the Code of Virginia, (1950), as amended (both concerning obscenity). These restrictions also include all prohibitions upon nude and semi-nude dancing, designed to alleviate the negative secondary effects thereof, as authorized in such cases as *Barnes v. Glen Theatre, Inc.*, 501 US 560 (1991) and *City of Erie v. Pap's A.M.*, 529 US 277 (2000), as may be found in the statutes, regulations, or ordinances of the Commonwealth of Virginia and the City of Norfolk, including but not limited to Sections 28-11 and 28-12 of the Code of the City of Norfolk (1979), as amended, concerning public nudity and indecent exposure, and the regulations of the Alcoholic Beverage Control Board of the Commonwealth of Virginia, as amended.

- (h) The dance floor shall not exceed 279 square feet and shall be located as indicated on the floor plan designed as "Layout 1," which is including among those floor plans attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.
- (i) No dancing shall be permitted unless the establishment has been configured to comply with the floor plan designed as "Layout 1," which is including among those floor plans attached hereto and marked as "Exhibit B."
- (j) The layout of the establishment shall adhere to the specifications of any of the floor plans attached hereto and marked as "Exhibit B."
- (k) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (l) The establishment shall maintain a current, active business license at all times while in operation.
- (m) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (n) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.



- (o) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (p) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (q) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (r) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (s) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (t) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

- (u) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (v) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (w) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

Notwithstanding anything to the contrary, the requirements of this subsection shall not apply to the following entities, who may lease or otherwise use the establishment for events that are permitted by and comply with this ordinance in all other respects:

- (1) Any federal, state, or local government or governmental agency;
- (2) Any party that receives a grant or other direct funding from a state or local government; and
- (3) Any party that is recognized as a charitable organization in good standing under § 501(c)(3) of the Internal Revenue Code of the United States Code at the time of the event.

Collectively, the parties identified in items 1, 2 and 3 above are defined as "Authorized Entities".

- (x) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.
- (y) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this



section, the documentation relating to the operation of the establishment shall include copies of the following:

- (1) This special exception;
  - (2) Any ABC license(s);
  - (3) Any occupancy permit(s);
  - (4) Certifications of all persons who work on the premises as a security guard;
  - (5) All fire code certifications, including alarm and sprinkler inspection records;
  - (6) Any health department permit(s);
  - (7) The emergency action plan required under the Fire Prevention Code;
  - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
  - (9) The establishment's designated driver program; and
  - (10) The establishment's Security Plan.
- (z) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 287 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (aa) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

**Attachments:**

Location Map

Zoning Map

1000' radii map of similar ABC establishments

Application

Notice to the Lake Taylor Civic League

Notice to Glenrock Civic League



## **Proponents and Opponents**

### **Proponents**

Stephanie Wadnola – Applicant  
5802 E. Virginia Beach Boulevard  
Norfolk, VA 23323

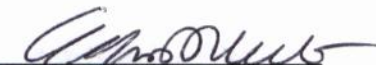
Shalimar Brazir  
5802 E. Virginia Beach Boulevard  
Norfolk, VA 23323

### **Opponents**

None

Form and Correctness Approved: 

Contents Approved:

By   
Office of the City Attorney

By   
DEPT.

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT NAMED "LEIAUNTE'S" ON PROPERTY LOCATED AT 5802 EAST VIRGINIA BEACH BOULEVARD, SUITE 140.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Leiaunte's authorizing the operation of an entertainment establishment named "Leiaunte's" on property located at 5802 East Virginia Beach Boulevard, Suite 140. The property which is the subject of this Special Exception is more fully described as follows:

Property located in a building measuring 588 feet, more or less, in width and 280 feet, more or less, in depth and located in JANAF Shopping Center, 365 feet, more or less, east of North Military Highway and 580 feet, more or less, north of East Virginia Beach Boulevard; premises numbered 5802 East Virginia Beach Boulevard, Suite 140.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 8:00 a.m. until 2:00 a.m. the following morning, seven days per week. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The hours for the sale of alcoholic beverages, and for entertainment shall be limited to 11:00 a.m. until 2:00 a.m. the following morning, seven days per week. No entertainment shall be provided outside of the hours of operation listed herein.
- (c) The seating for the establishment shall not exceed 128 seats indoors, no seats outdoors, and the total



occupant capacity, including employees, shall not exceed 410 people.

- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.
- (e) Entertainment shall only be provided indoors and shall be limited to live bands having no more than 5 members, DJ, Fashion Shows, Performance Dance, Karaoke, Comedian, Poetry Reading, and Cultural Dance, defined for the purposes of this ordinance alone as a form of dance unique in style and appearance to a specific cultural group. Examples include, but are not limited to, belly dance, flamenco dance, hula, and geisha dance. No form of dance which does not meet all of the following characteristics shall be considered cultural dance for purposes of this ordinance:
  - i. Cultural dancers shall not perform nude or semi-nude, but shall perform in a state of dress more modest than semi-nude, as those terms are defined herein.
  - ii. For the purposes of this ordinance, the term "nude" means to be undressed completely, and the term "semi-nude" means to be in any state of dress in which opaque clothing covers no more than the genitals, pubic region, buttocks, areola and nipple of the breast, as well as portions of the body covered by supporting straps or devices. Examples of "semi-nude" dress include but are not limited

to a state of dress consisting of a bikini or equivalent clothing.

iii. Cultural dancers shall not physically touch or be physically touched by spectators while performing.

(f) In addition to the above, the following restrictions shall apply to all cultural dance performances:

i. Cultural dancers shall not use the following items and accessories when performing, for safety reasons: swords, weapons of any kind, lit candles, or lit torches. Notwithstanding this provision, at the discretion of the grantee of this special exception, dancers may use prop swords and prop weapons. For purposes of this ordinance, the adjective "prop" means a fake sword or weapon, similar to those used by actors on the stage, not designed for or capable of causing injury. Such "prop" swords or weapons shall be either made of wood, or if made of metal, shall be blunt with no cutting edge.

ii. At the discretion of the grantee of this special exception, customers may tip dancers at the conclusion of a performance. Spectators shall not physically touch a dancer when tipping.

(g) The provisions of this ordinance concerning cultural dance are not intended, nor shall they be applied, to impose any limitation or restriction on the content of cultural dance performances at the subject property. Cultural dance performances, should they degenerate to the point of involving obscenity or nude or semi-nude dance performances, shall be subject to all the usual prohibitions upon such performances in bars and restaurants selling alcohol under the laws and regulations of the Commonwealth of Virginia and the ordinances and regulations of the City of Norfolk. These restrictions include but are not limited to such prohibitions upon obscene performances as are found in Chapter 28 of the Code of the City of Norfolk



(1979), as amended, or Chapter 8, Article 5 of Title 18.2 of the Code of Virginia, (1950), as amended (both concerning obscenity). These restrictions also include all prohibitions upon nude and semi-nude dancing, designed to alleviate the negative secondary effects thereof, as authorized in such cases as *Barnes v. Glen Theatre, Inc.*, 501 US 560 (1991) and *City of Erie v. Pap's A.M.*, 529 US 277 (2000), as may be found in the statutes, regulations, or ordinances of the Commonwealth of Virginia and the City of Norfolk, including but not limited to Sections 28-11 and 28-12 of the Code of the City of Norfolk (1979), as amended, concerning public nudity and indecent exposure, and the regulations of the Alcoholic Beverage Control Board of the Commonwealth of Virginia, as amended.

- (h) The dance floor shall not exceed 279 square feet and shall be located as indicated on the floor plan designed as "Layout 1," which is including among those floor plans attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.
- (i) No dancing, with the exception of Cultural Dance as defined above, shall be permitted unless the establishment has been configured to comply with the floor plan designed as "Layout 1," which is including among those floor plans attached hereto and marked as "Exhibit B."
- (j) The layout of the establishment shall adhere to the specifications of any of the floor plans attached hereto and marked as "Exhibit B."
- (k) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (l) The establishment shall maintain a current, active business license at all times while in operation.
- (m) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.

- (n) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (o) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so as to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (p) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (q) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (r) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (s) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission



shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (t) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.
- (u) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (v) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (w) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

Notwithstanding anything to the contrary, the requirements of this subsection shall not apply to the following entities, who may lease or otherwise use the establishment for events that are permitted by and comply with this ordinance in all other respects:

- (1) Any federal, state, or local government or governmental agency;



- (2) Any party that receives a grant or other direct funding from a state or local government; and
- (3) Any party that is recognized as a charitable organization in good standing under § 501(c)(3) of the Internal Revenue Code of the United States Code at the time of the event.

Collectively, the parties identified in items 1, 2 and 3 above are defined as "Authorized Entities".

- (x) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected.
- (y) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
  - (1) This special exception;
  - (2) Any ABC license(s);
  - (3) Any occupancy permit(s);
  - (4) Certifications of all persons who work on the premises as a security guard;
  - (5) All fire code certifications, including alarm and sprinkler inspection records;
  - (6) Any health department permit(s);
  - (7) The emergency action plan required under the Fire Prevention Code;
  - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;

- (9) The establishment's designated driver program; and
- (10) The establishment's Security Plan.
- (z) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 287 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (aa) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare.



Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends



the previously granted special exception permitting an entertainment establishment on this property, adopted on July 8, 2014 (Ordinance NO. 45,609). All provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENTS:

Exhibit A (5 pages)

Exhibit B (3 pages)



EXHIBIT "A"  
Description of Operations  
Entertainment Establishment  
(Please Print)

Date 8/10/2015

Trade name of business Leilaunte's <sup>W</sup>

Address of business 5802 E Virginia Beach Blvd 23502

Name(s) of business owner(s)\* Stephanie Wadnola

Name(s) of property owner(s)\* Janaf Shopping Center LLC

Name(s) of business manager(s)/operator(s) Stephanie Wadnola, Tiffany Ramsey,

Daytime telephone number (757) 359-1902 Alexiah Wadnola

\*If business or property owner is a partnership, all partners must be listed.

\*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

Facility	Alcoholic Beverage Sales and Entertainment
Weekday From <u>8 AM</u> To <u>2 AM</u>	Weekday From <u>11 AM</u> To <u>2 AM</u>
Friday From <u>8 AM</u> To <u>2 AM</u>	Friday From <u>11 am</u> To <u>2 AM</u>
Saturday From <u>8 AM</u> To <u>2 AM</u>	Saturday From <u>11 am</u> To <u>2 AM</u>
Sunday From <u>8 am</u> To <u>2 AM</u>	Sunday From <u>11 am</u> To <u>2 am</u>

2. Type of ABC license applied for (check all applicable boxes):

☒ On-Premises ☐ Off-Premises (second application required)

3. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☒ Mixed Beverage

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

Layout 1  
(w/ dance floor)

Exhibit A – Floor Plan(s) Worksheet  
Entertainment Establishment

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats) 128

Number of bar seats 34

Standing room 23

Band/Performance 6

Dance floor 39

b. Outdoor

Number of seats NA

c. Number of employees 10

Total Occupancy

(Indoor/Outdoor seats, standing room and employees) = 240

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

belly dancing, fashion shows, cultural dance,  
drag shows, 6 piece band, performance art, D.J

3. Will a dance floor be provided?

☒ Yes ☐ No

3a. If yes,

Square footage of establishment 5164

Square footage of dance floor 279

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.



**Exhibit A – Floor Plan(s) Worksheet  
Entertainment Establishment**

- Complete this worksheet based for each floor plan submitted with application.
- Floor plan(s) must be prepared by a registered design professional and include:
  - Tables/seats
  - Restroom facilities
  - Bar
  - Ingress and egress
  - Standing room
  - Disc Jockey/Band/Entertainment area)
  - Outdoor seating
  - Total maximum capacity (including employees)

1. Total capacity

a. Indoor

Number of seats (not including bar seats)	<u>56</u>
Number of bar seats	<u>34</u>
Standing room	<u>304</u>
Band/Performance	<u>6</u>

b. Outdoor

Number of seats	<u>N/A</u>
-----------------	------------

c. Number of employees

10

**Total Occupancy**

(Indoor/Outdoor seats, standing room and employees) = 410

2. Entertainment

List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.

belly dancing, fashion shows, cultural dance,  
drag shows, 6 piece band, performance art

3. Will a dance floor be provided?

☐ Yes      ☒ No

3a. If yes,

Square footage of establishment \_\_\_\_\_

Square footage of dance floor \_\_\_\_\_

- If a disc jockey is proposed, a dance floor must be provided.
- If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised January 2015)

Exhibit A – Page 2  
Entertainment Establishment

4. Will video games, pool tables, game boards or other types of games be provided?  
☐ Yes (If more than 4, additional application required) ☒ No

4a If yes, please describe type and number of each game to be provided:

---

---

5. Will patrons ever be charged to enter the establishment?  
☒ Yes ☐ No

5a. If yes, why: Charity events, live bands  
or entertainments

5b. Which days of the week will there be a cover charge (circle all applicable days):

Monday Tuesday Wednesday Thursday Friday  
Saturday Sunday

6. Will the facility or a portion of the facility be available for private parties?  
☒ Yes ☐ No

6a. If yes, explain: Bridal Showers, Baby Showers, Fashion Show  
Corporate events, Anniversary, receptions, birthdays

7. Will a third party (promoter) be permitted to lease, let or use the establishment?  
☐ Yes ☒ No

7a. If yes, explain:

---

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8. Will there ever be a minimum age limit?  
☐ Yes ☐ No

Exhibit A – Page 3  
Entertainment Establishment

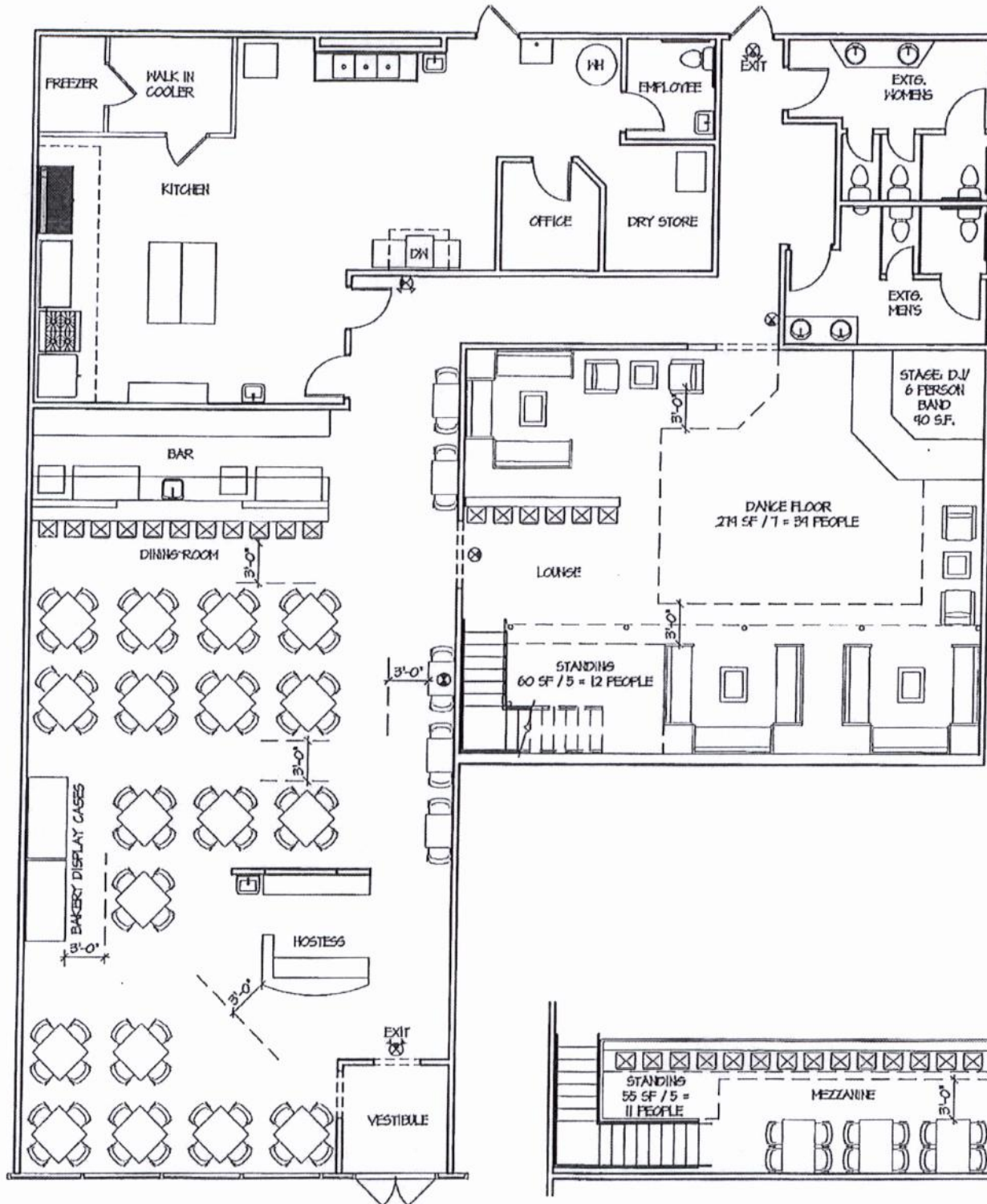
9. Additional comments/description/operational characteristics or prior experience:

*We are an established dessert lounge with  
a respectful customer base and customers from  
all of Hampton Roads*

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

*Stephanie Medsker*  
Signature of Applicant

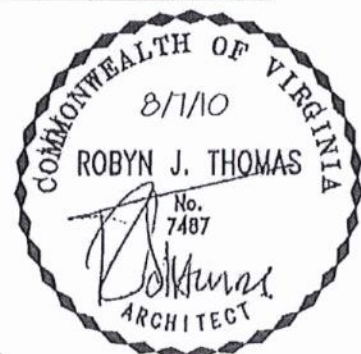




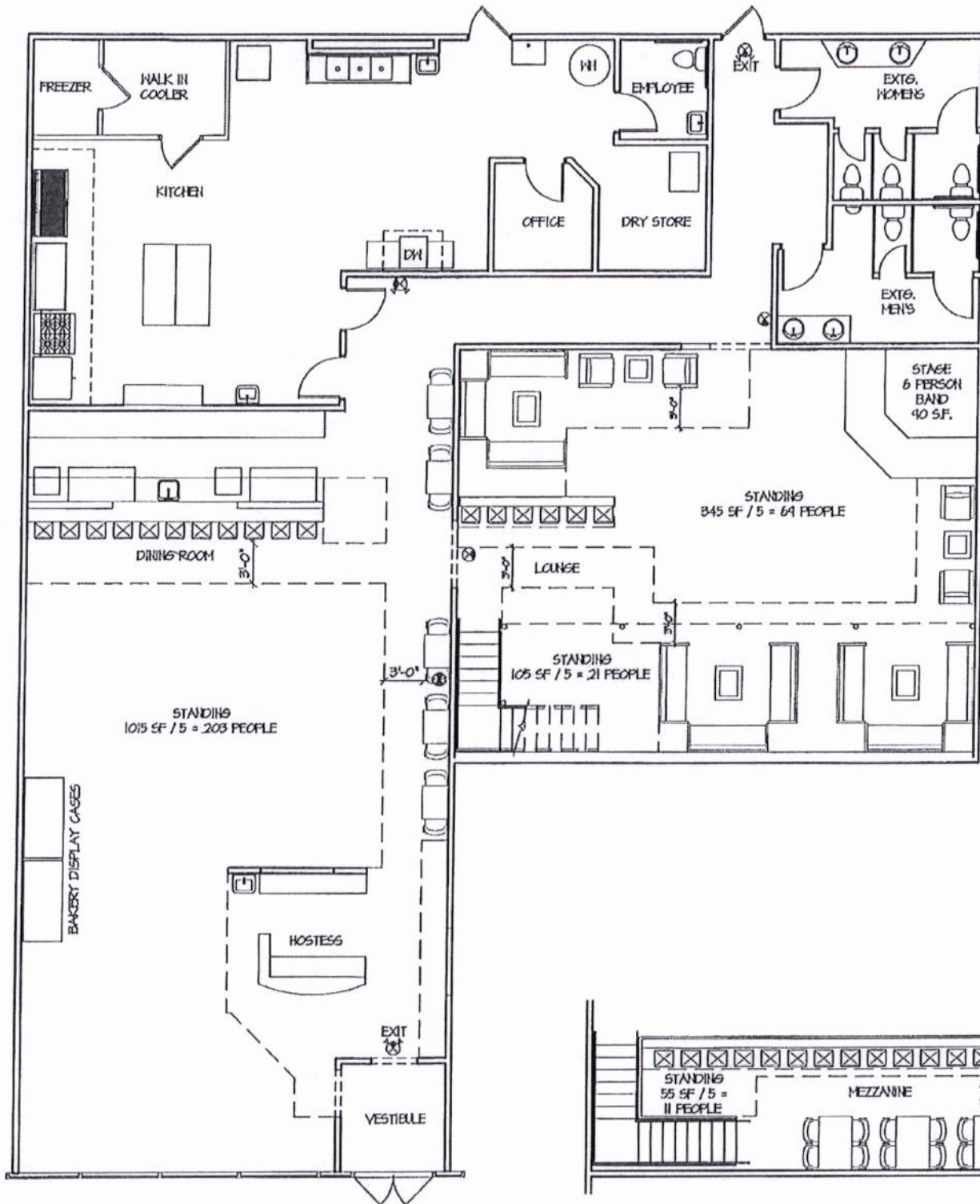
LEIAUNTS: 5802 E VIRGINIA BEACH BLVD, NORFOLK  
3/32" = 1'-0"

MEZZANINE  
3/32" = 1'-0"

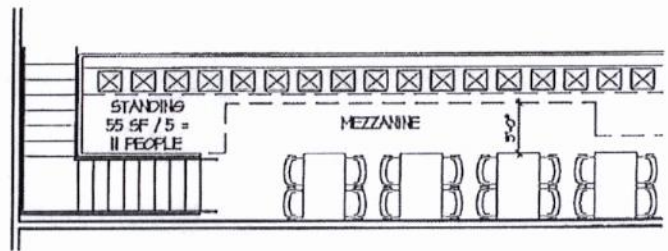
OCCUPANCY CALCULATIONS	
DINING SEATS	128
BAR SEATS	34
STANDING	23
DANCE FLOOR	31
BAND/ DJ	6
STAFF	10
TOTAL	240



Layout 1



LEIAUNTE'S: 5802 E VIRGINIA BEACH BLVD, NORFOLK  
3/32" = 1'-0"



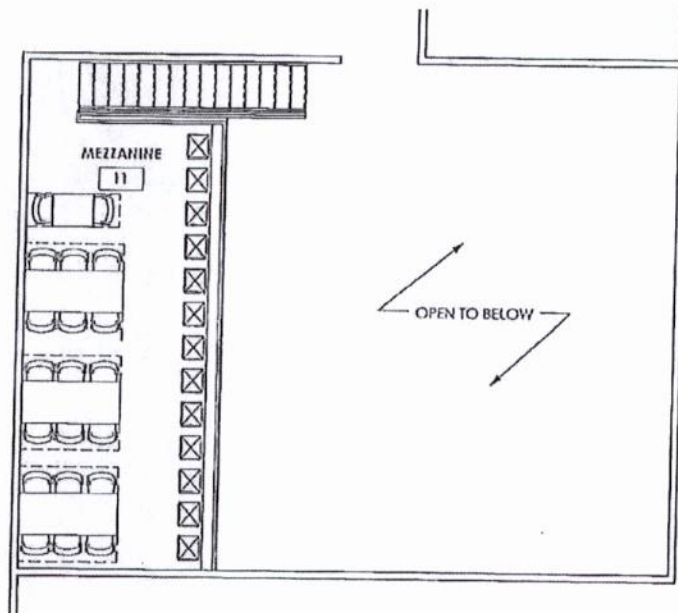
MEZZANINE  
3/32" = 1'-0"

OCCUPANCY CALCULATIONS	
DINING SEATS	56
BAR SEATS	34
STANDING	304
BAND	6
STAFF	10
TOTAL	410



Layout 2





MEZZANINE FLOOR PLAN



# Location Map



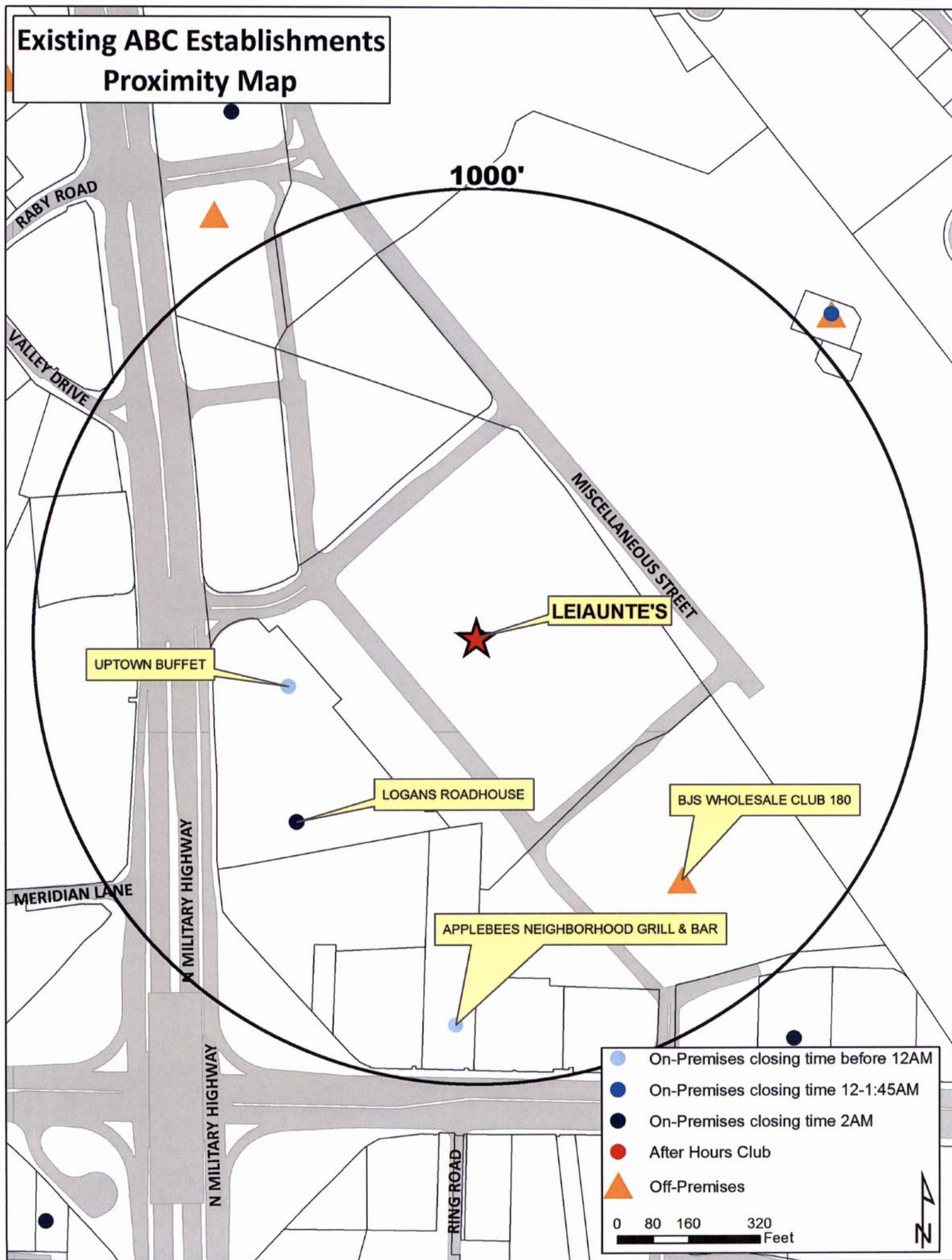


# Zoning Map





# Existing ABC Establishments Proximity Map







APPLICATION  
ADULT USE SPECIAL EXCEPTION  
ENTERTAINMENT ESTABLISHMENT  
(Please Print)

Date 8/10/2015

**DESCRIPTION OF PROPERTY**

Address 5802 E Virginia Beach Blvd, Norfolk, VA 23502

Existing Use of Property Suite 140

Proposed Use ENTERTAINMENT ESTABLISHMENT

Current Building Square Footage 4913

Proposed Building Square Footage \_\_\_\_\_

Trade Name of Business (If applicable) LELAUNTE'S

**APPLICANT/ PROPERTY OWNER**

1. Name of applicant (Last) WASNOLA (First) Stephanie (MI) A

Mailing address of applicant (Street/P.O. Box) 3305 Georgie Court

(City) Chesapeake (State) VA (Zip Code) 23323

Daytime telephone number of applicant (757) 359-1902 Fax number ( ) \_\_\_\_\_

E-mail address of applicant JSUBLU1207@yahoo.com

2. Name of property owner (Last) Just Shopping Antiques (MI) \_\_\_\_\_

Mailing address of property owner (Street/P.O. box) 320 N. Main St. Ste 200

(City) Ann Arbor (State) Michigan (Zip Code) 48104

Daytime telephone number of owner (757) 461-4954 Fax number ( ) 459-2229

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

Application  
Entertainment Establishment  
Page 2

**CONTACT INFORMATION**

Civic League contact Lake Taylor

Date(s) contacted \_\_\_\_\_

Ward/Super Ward information 4 and 7

**REQUIRED ATTACHMENTS**

- Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
  - Application fee includes a non-refundable \$5 technology surcharge.
- Two 8½x14 (maximum size) copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing:
  - Existing and proposed building structures
  - Driveways
  - Parking
  - Landscaping
  - Property lines (see attached example)
- Two 8½ inch x 14 inch (maximum size) copies of a floor plan prepared by a registered design professional drawn to scale showing restroom facilities, seats/tables, bar, dance floor with dimensions, band area, disc jockey area, standing room and ingress and egress (see attached example).
- Completed Exhibit A, Description of Operations (attached).

**CERTIFICATION**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: Michael D. Gortley Sign: Michael D. Gortley 8/10/2015  
(Property Owner or Authorized Agent Signature) (Date)

Print name: Stephanie Wadnrad Sign: Stephanie Wadnrad 1.8/10/2015  
(Applicant or Authorized Agent Signature) (Date)

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

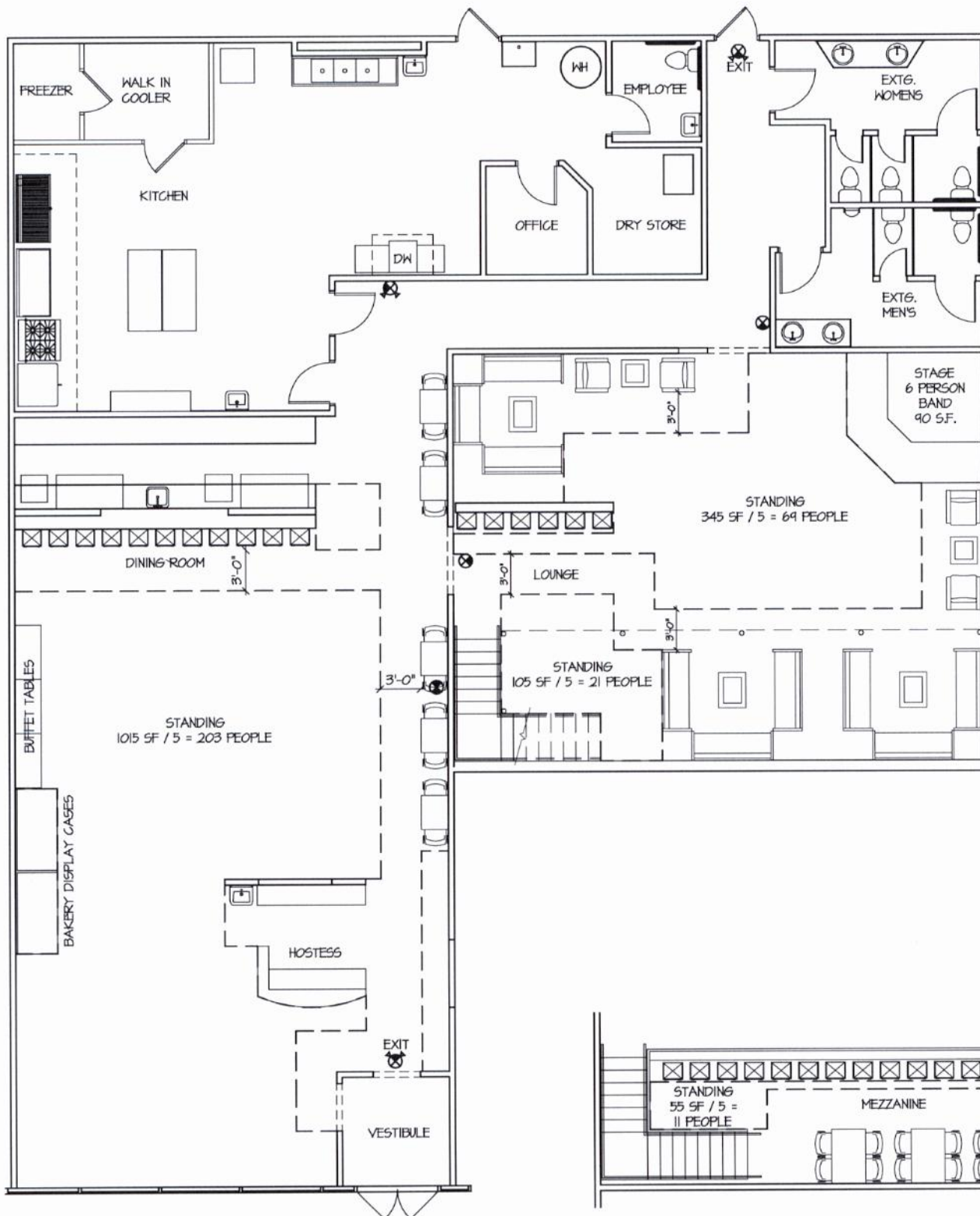
810 Union Street, Room 508

Norfolk, Virginia 23510

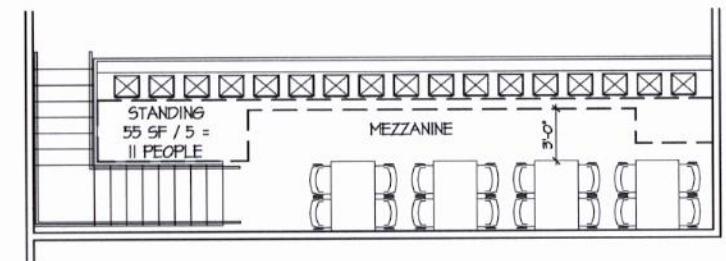
Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)





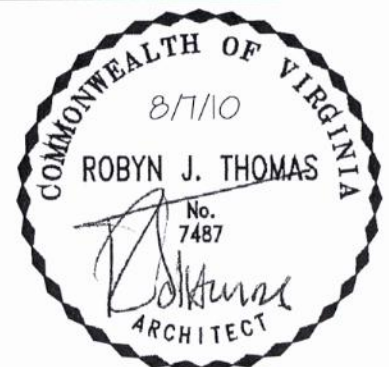
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3/32" = 1'-0"



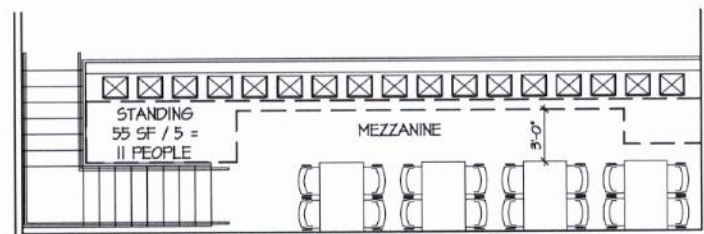
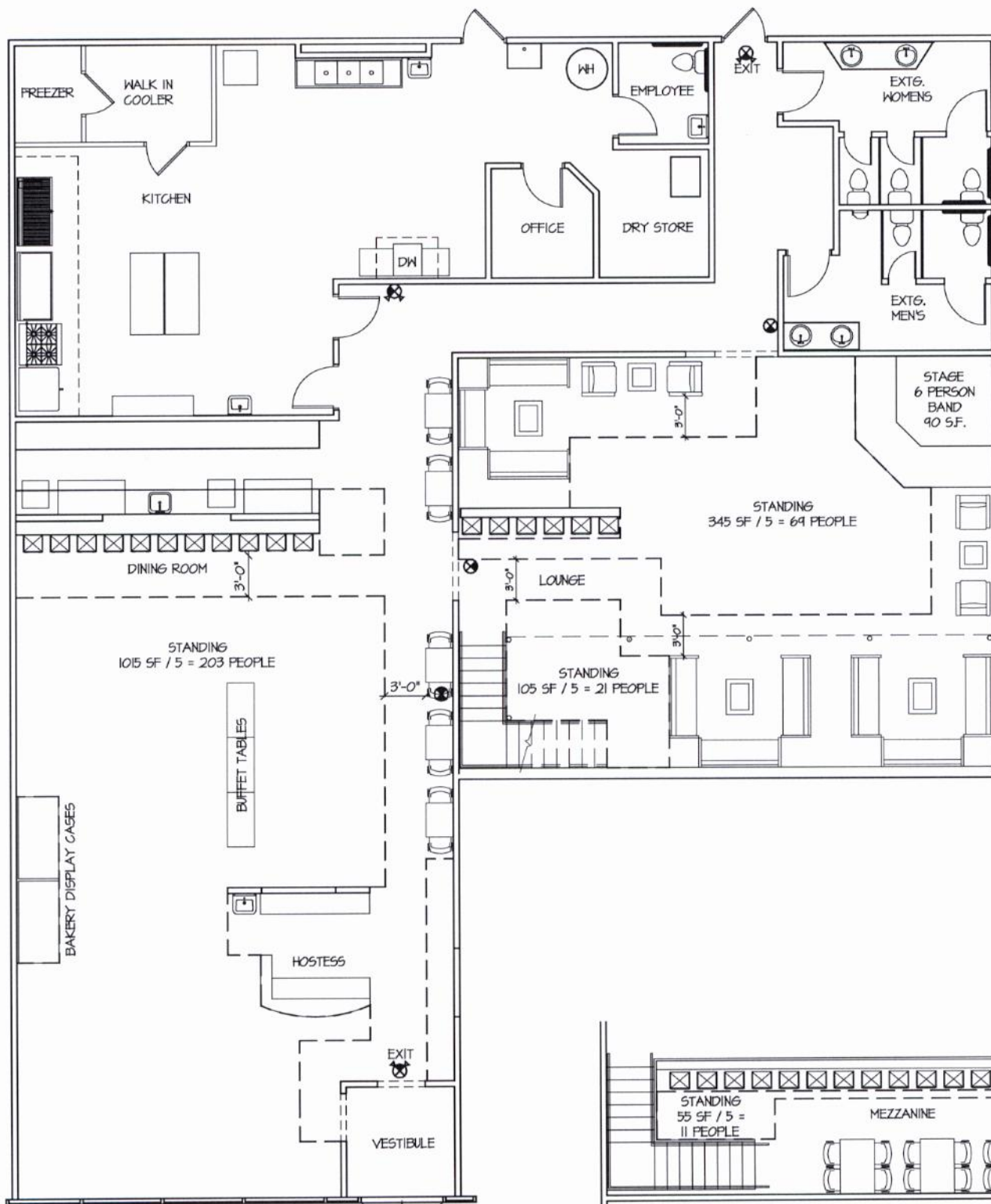
MEZZANINE  
3/32" = 1'-0"

LAYOUT 2A

OCCUPANCY CALCULATIONS	
DINING SEATS	56
BAR SEATS	34
STANDING	304
BAND	6
STAFF	10
TOTAL	410





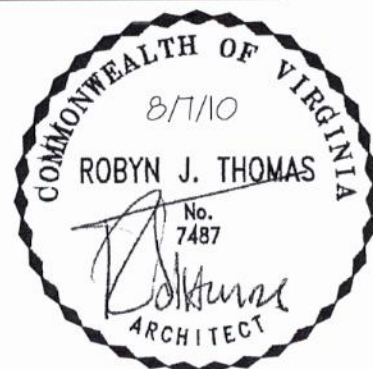


MEZZANINE  
3/32" = 1'-0"

LEIAUNTE'S: 5802 E VIRGINIA BEACH BLVD, NORFOLK  
3/32" = 1'-0"

LAYOUT 2B

OCCUPANCY CALCULATIONS	
DINING SEATS	56
BAR SEATS	34
STANDING	304
BAND	6
STAFF	10
TOTAL	410



## SECURITY PLAN LEIAUNTES

### Definition of "Security"

Security—noun

1. Freedom from danger, risk, etc.; safety.
2. Freedom from worry, anxiety, or doubt; well-founded confidence.
3. Something that secures or makes safe; protection; defense.
4. Precautions taken to guard against crime, attack, etc.

### Goals:

- To create a safe and secure environment within Leiauntes for all patrons.
- To provide a level of control and safety for all arriving and departing guests of Leiauntes.
- To mitigate any noise or inappropriate conduct by patrons of Leiauntes entering and/exiting the facility which impairs the quiet enjoyment of immediate neighbors, particularly residents living nearby.
- To peacefully and effectively resolve all dangerous situations before any injury to any person or property may occur. The Leiauntes staff or security team shall provide an assertive presence by displaying integrity and professionalism while executing their duties and responsibilities in an effort to maintain security, protection and safety of members of the public.
- To ensure a complete, orderly, safe and swift evacuation of the facility in case of fire, explosion, or any other uncontrolled dangers within the building.
- To protect and promote the courteous, inviting and hospitable character of the neighborhood and the City of Norfolk generally.

### Features of the Plan:

Security Team: Security will be provided, if necessary, by Elite Security.

Rules and Regulations:

A mature, responsible dress code will be enforced at all times and no weapons will be permitted in the establishment.



Drinks will not be served to any intoxicated patrons at any time. Unruly patrons will be asked to leave. The facility is a smoke-free restaurant.

#### Uniform for Security Team:

Uniforms are intended to help patrons, law enforcement, and emergency responders readily identify who from the facility is designated as responsible for maintaining security and empowered to implement or impose the facilities rules and regulations.

All Elite Security and staff will be in full company uniform at all times.

#### Security Team:

##### Door/Mobile Security:

- \*Control activity at main entrance(s) at all times, monitoring entry of patrons and maintaining a clear egress.

- \*Control access to the venue.

- \*Check for proper identification of patrons seeking admission.

- \*Enforce dress code, age limitation, legitimacy of identification cards (watching out for counterfeit ID's) and code of conduct.

- \*Enforce restrictions on contraband by employing one or more of the following techniques: searching of bags/purses, metal detector wands, pat-downs, etc.

- \*During emergency evacuation, direct patrons out of exits and to a location far enough from the building to be safe and to allow room for other patrons to continue to move away from the building to assemble.

- \*Maintain CPR Certification.

#### Communication:

Security Team members will carry a hand-held radio (i.e. walkie-talkie). Surveillance attachments (ear piece/microphone) will be utilized as warranted, particularly for personnel who need to have both hands free in order to execute their responsibilities. The security team leader will monitor all radio traffic. Flashlights will

be utilized by all security staff members as a back-up form of communication inside the facility whenever the situation warrants.

Emergency Evacuation Plan:

Evacuation, if necessary, will be handled in an orderly manner by utilizing the nearest outdoor exit.



# LeiAuntes Sweet Lounge

Hampton Roads' Place to Celebrate



## // ABOUT LEIAUNTES

**LeiAuntes Sweet Lounge** is Hampton Roads Place to Celebrate. Daily we serve our customers by accepting and delivering custom cake orders, dessert sales, happy hour, dinner, and event planning.

**LeiAuntes Lounge** hosts a variety of events including, but not limited to: Holiday Parties, Baby Showers, Sweet 16's, Wedding Receptions, Corporate Events, Retirement Parties, Birthday Parties, Business Launch Events, Fashion Shows, Karaoke, and Drag Brunch.

## // LEIAUNTES ONLINE

In an effort to stay connected with our customer and bring more business to Janaf, we leverage multiple platforms:

**Website** - Averages over **250** new viewers each week, based on Google Analytics reports.

**Facebook (Business Page)** - Post events, photos, and receive customer feedback and ratings. **1500 Likes**

**Facebook (Personal Page)** - Communicate with our customers via posts and messenger. **2900 Friends**

**Instagram** - Post all of our events, some humour, and customer photos. **4500 Followers.**

**Twitter** - Generate awareness and connect with customers. **500 Followers**

**LeiAuntes Newsletter** - Inform our customers of food specials and upcoming events. **700 Subscribers**

Based on these numbers, as a business we are connected to approximately **8800 customers.**

## // LEIAUNTES EVENTS

In the short time that LeiAuntes Sweet Lounge has been at this location, we have had over several thousand customers. We have even had several celebrities patron our business to include: Trey Songz, DeRay Davis, Allen Iverson, Kam Chancellor, and CoCo of SWV. We pride ourselves in being "Hampton Roads Place to Celebrate" and many people have taken notice.

### COMMUNITY

#### Helping Build Cause Awareness

LeiAuntes participates in and hosts community events and fundraisers: Mr. & Mrs. Charity Auction for domestic violence awareness, October Breast Cancer Awareness fundraiser with New Light Gents, Purple & Black Gala with Her Shelter: fund raiser for Domestic Violence Awareness, Go Red for Women: Drag Brunch Go Red Edition, Stuff the Bus Participant, Benefit Luncheon for Private Cause: AJ Ajizzle, and Dress for Success Hampton Roads 9<sup>th</sup> anniversary party and fundraiser: Little Black Dress Social.

### ENTERTAINMENT

#### Hosting Live Events For A Mature Audience

LeiAuntes hosts a variety of shows including comedy, R&B, and hip hop: Timothy Bloom, Romonta & Friends, Joselyn Best, K. Soul, Teshia Lesane, Michael Artis, Montreal Whitmore, Marcus Anthony, Keith Murray, Big Daddy Kane, Mr. Cheeks, Lord Finesse, Big Brown, Angus Black, Funny Trell, Banknote the Comic, Skeeta G, Double XL, Chuck the Problem, Big Heavy Daddy, Shirl Le Pearl, Joking Joe, and Danielle Da Diva.

### NETWORKING

#### Connecting Hampton Roads

LeiAuntes hosts networking events in an effort to connect area business owners, entrepreneurs, and aspiring business owners. We have invited several different industries to come in and connect including: VA Girls Rock, The Chic Bizarre Effect, Momentum International, and Let's Connect DMV.

## // WHAT PEOPLE ARE SAYING

Anne Pulley-Clay — The atmosphere & staff are great. Even the security was professional. Will definitely be one of my fave new spots!!! ★★★★★

Obinna Eze — Great food, great drinks... the ambience is beautiful!! ★★★★★

Tanisha Giddens — I had a ball here. The music was good and the atmosphere was great. Will definitely go back. ★★★★★

Crystal Collins — Had a wonderful time there for my earthday[isic] I would recommend this spot any day! ★★★★★

Shinelle Whitaker — These crabcakes.....! I'm looking for someone to slap[sic], right now! Liking the vibe here, not "club-ish" at all, I think. I'll come back:) ★★★

Sean Patrick — Super chill and pleasant atmosphere. ★★★★★

Coco Williams — Great atmosphere!! Delicious appetizers!! My new hangout !! Very friendly staff and a dynamic lounge!! ★★★★★

Yelp Comment — OMGEEEEEE! Holy Awesome Desserts! This place is super romantic, the food is delicious, and the drinks are really affordable. I already ordered a custom cake for my daughter's birthday and I told the owner I'm going to need a stack of cards. They even have gluten free dessert options which is great for my sister.

Urbanspoon — "100% like it"

**Owner**, Stephanie Wadnola + **Phone** 757.965.2833 + **Email** LeiAuntes@gmail.com

## Blough, Christopher

---

**From:** Blough, Christopher  
**Sent:** Tuesday, August 25, 2015 10:22 AM  
**To:** 'laketaylorcivicleague@gmail.com'  
**Cc:** Straley, Matthew  
**Subject:** new Planning Commission application -5802 East Virginia Beach Boulevard, Suite 140  
**Attachments:** application.pdf

Mr. Speight,

Attached please find the application to amend a previously granted special exception to operate an entertainment establishment with alcoholic beverages on property located at 5802 East Virginia Beach Boulevard, Suite 140.

The item is tentatively scheduled for the September 24, 2015 Planning Commission public hearing.

**Chris Blough**  
Planner I  
City of Norfolk  
Department of City Planning  
757.664.6771



## **Blough, Christopher**

---

**From:** Blough, Christopher  
**Sent:** Tuesday, August 25, 2015 10:24 AM  
**To:** 'Glenrock Neighborhood Assoc.'  
**Cc:** Straley, Matthew  
**Subject:** new Planning Commission application -5802 East Virginia Beach Boulevard, Suite 140  
**Attachments:** application.pdf

Mr. Hicks,

Attached please find the application to amend a previously granted special exception to operate an entertainment establishment with alcoholic beverages on property located at 5802 East Virginia Beach Boulevard, Suite 140.

The item is tentatively scheduled for the September 24, 2015 Planning Commission public hearing.

**Chris Blough**  
Planner I  
City of Norfolk  
Department of City Planning  
757.664.6771